

## § 876.10

### § 876.10 Information collection.

The collections of information contained in part 876 have been approved by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.* and assigned clearance number 1029-0104. The information will be used to determine if the State's or Indian tribe's Acid Mine Drainage Abatement and Treatment Programs are being established according to legislative mandate. Response is required to obtain a benefit in accordance with Public Law 95-87. Public reporting burden for this information is estimated to average 1,040 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to the Office of Surface Mining Reclamation and Enforcement, Information Collection Clearance Officer, room 640 N.C., 1951 Constitution Avenue NW., Washington, DC 20240 and the Office of Management and Budget, Paperwork Reduction Project (1029-0104), Washington, DC 20503.

### § 876.12 Eligibility.

(a) Any State or Indian tribe having an approved abandoned mine land program may receive and retain, without regard to the three-year limitation set forth in Section 402(g)(1)(D) of the Act, up to 10 percent of the total of the grants made under Section 402(g) (1) and (5) of the Act to such State or Indian tribe for the purpose of abandoned mine land reclamation if such amounts are deposited into either:

(1) A special fund established under State or Indian tribal law pursuant to which such amounts (together with all interest earned) are expended by the State or Indian tribe solely to achieve the priorities stated in Section 403(a) after September 30, 1995; or

(2) An acid mine drainage abatement and treatment fund established under State or Indian tribal law.

(b) Any State or Indian tribe may establish under State or Indian tribal law an acid mine drainage abatement and treatment fund from which amounts

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(together with all interest earned on such amounts) are expended by the State or Indian tribe to implement, in consultation with the Soil Conservation Service, acid mine drainage abatement and treatment plans approved by the Director.

### § 876.13 Plan content.

Acid Mine Drainage Abatement Plans shall provide for the comprehensive abatement of the causes and treatment of the effects of acid mine drainage within qualified hydrologic units affected by coal mining practices. The plan shall include, but shall not be limited to, each of the following:

(a) An identification of the qualified hydrologic unit;

(b) The extent to which acid mine drainage is affecting the water quality and biological resources within the hydrologic unit;

(c) An identification of the sources of acid mine drainage within the hydrologic unit;

(d) An identification of individual projects and the measures proposed to be undertaken to abate and treat the causes or effects of acid mine drainage within the hydrologic unit;

(e) The cost of undertaking the proposed abatement and treatment measures;

(f) An identification of existing and proposed sources of funding for such measures; and

(g) An analysis of the cost-effectiveness and environmental benefits of abatement and treatment measures.

### § 876.14 Plan approval.

The Director may approve any plan under § 876.13(b) only after determining that such plan meets the requirements of § 876.13. In conducting an analysis of the items referred to in § 876.13(d), (e) and (g), the Director shall obtain the comments of the Director of the U.S. Bureau of Mines. In approving plans under this section, the Director shall give priority to those plans which will be implemented in coordination with measures undertaken by the Secretary of Agriculture under the Rural Abandoned Mine Program.